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TO RUEHC/SECSTATE WASHDC PRIORITY 6673
INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE PRIORITY
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RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY
RUEHBJ/AMEMBASSY BEIJING PRIORITY 1430
RUEHUL/AMEMBASSY SEOUL PRIORITY 1073
RUEHKO/AMEMBASSY TOKYO PRIORITY 2130
RHMFISS/CDR USCENTCOM MACDILL AFB FL PRIORITY
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RUEAIIA/CIA WASHDC PRIORITY
RHEFAAA/DIA WASHDC PRIORITY
RUEKJCS/JOINT STAFF WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY 1619
RUEKJCS/SECDEF WASHDC PRIORITY 1481
RUEHGV/USMISSION GENEVA PRIORITY 1011
RUEHNO/USMISSION USNATO PRIORITY 2855
RUEHVEN/USMISSION USOSCE PRIORITY 2065
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2552

C O N F I D E N T I A L ASTANA 001899

SIPDIS

STATE FOR SCA/CEN, EUR/RPM, DRL

E.O. 12958: DECL: 10/21/2019

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [OSCE](#) [KZ](#)

SUBJECT: KAZAKHSTAN: BLUNT TALK TO DEPUTY FOREIGN
MINISTER ON ZHOVTIS CASE

REF: A. ASTANA 1468

[1](#)B. ASTANA 1470

[1](#)C. ASTANA 1487

[1](#)D. ASTANA 1497

[1](#)E. ASTANA 1512

[1](#)F. ASTANA 1538

Classified By: Ambassador Richard E. Hoagland: 1.4 (B), (D)

[1](#)1. (C) On October 20, an hour after a provincial appeals court upheld the conviction of human rights advocate Yevgeniy Zhovtis and affirmed his four-year sentence to a penal colony for vehicular manslaughter (septel), I pulled aside Deputy Foreign Minister Kairat Umararov at the Slovak National Day reception. I told him directly that this decision was a disaster, especially coming immediately on the heels of reports that Presidential Adviser Yermukhamed Yertysbayev had made confrontational comments to representatives of several Kazakhstani non-governmental organizations participating in the OSCE's Human Dimension Implementation Meeting in Warsaw, September 28-October 9.

[1](#)2. (C) I told Umarov further that I had, in good faith, followed State Secretary-Foreign Minister Kanat Saudabayev's initial advice to lay low on the Zhovtis case, after my initial public statement following his conviction and sentencing on September 3, and trust that the appeal would produce a satisfactory outcome. I told Umarov bluntly that this is all coming together to threaten everything we have together worked on for so many months to enhance the U.S.-Kazakhstan relationship.

[1](#)3. (C) Umarov, slightly deer-in-the-headlights, initially responded with Kazakhstan's well-rehearsed talking points: all are equal under the law, Zhovtis killed a Kazakhstani citizen and must now pay the normal price like every other citizen who is equal under the law, the Kazakhstani judicial system is professional and independent. I didn't argue the fine points of the case. I told Umarov, "Kairat, everyone knows, although we normally don't say it directly because of diplomatic discretion, that your court system is corrupted by

political influence. This kind of thing endangers what your president says he wants in the bilateral relationship." Umarov suggested "This will blow over." I replied, "No, it won't. It will be a long-lasting dark spot."

14. (C) Umarov tried again with the approved talking points. I responded, "Washington, Brussels, and the separate European capitals are buzzing with criticism of Kazakhstan. Your very real and positive good intentions easily get overwhelmed by this kind of old-guard, Soviet-style idiocy. Your boss (Saudabayev) needs to hear this."

15. (C) I asked Umarov whom I could see on October 21 to pass on this message. Now glum, Umarov told me that Saudabayev would be tied up in the morning with the OSCE ambassadors' delegation and then would fly off to join President Nazarbayev in Turkey. Deputy Foreign Minister Konstantin Zhigalov, whose portfolio includes OSCE, is traveling. And Presidential Foreign Policy Adviser Kairat Sarybay is also out of the country.
HOAGLAND